



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to: Issuance Date:
Public Notice No. 200300703 ~~January 30, 2004~~
Stream: ~~Expiration Date:~~
~~UN Trib Ohio River~~ ~~February 29, 2004~~
Address comments to: US Army Corps of Engineers, Huntington District
602 Eighth Street
ATTN: CELRHF
Huntington, West Virginia 25701-2070

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Bizzack Incorporated
2265 Executive Drive
Lexington, Kentucky 40505

LOCATION: The proposed project is located in Neal Run, an unnamed tributary of Neal Run and unnamed tributaries of the Ohio River, near Washington, Wood County, West Virginia.

DESCRIPTION: The applicant proposes to place fill material in conjunction with the West Virginia Division of Highways construction of Corridor D in cooperation with and on the properties of E.I. du Pont de Nemours & Co., the Estate of Rebecca Ellison, Mr. Timothy Null, Mr. Wayne B. Cayton, Jr., Mr. Donald G. Null, Mr. Eugene Nelson, Ms. Zora E. Boston, Mr. Jerry L. Shawver, Mr. John L. Nowery, Mr. Michael C. Butcher, and Mr. Earl C McConnell. The fill area is required in order to allow for placement of excess spoil material generated by excavation of proposed highway cuts. A total of 3,729 linear feet of intermittent streams would be filled and relocated at a higher elevation in the same general area. Approximately 516.184 cubic yards of fill material would be placed below the Ordinary High Water (OHW) mark. The relocated stream channels would total 5,109 linear feet for a replacement ratio of approximately 1.4:1. Two sediment ponds would be placed for sediment and erosion control. Sediment pond #1 is located on Neal Run and measures 10 feet deep, 200 feet long and 100 feet wide. Sediment pond #2 is proposed on an unnamed tributary of the Ohio River. This pond measures 10 feet deep, 184 feet long and 100 feet wide. The ponds would be removed and restored at the completion of the project. Other erosion control techniques would consist of Best Management Practices implemented in accordance with the required West Virginia General National Pollutant Discharge Elimination System (NPDES) Permit and the *WVDOH Erosion & Sediment Control Manual* (March 2003).

MITIGATION PLAN: To compensate for stream impacts, the applicant has submitted a conceptual mitigation plan that proposes to incorporate natural stream design in the relocated stream channels. Step pool features are proposed to be constructed in the relocated channels. Revegetation of riparian zones is incorporated in the overall mitigation plan.

Plans of the proposed work are attached to this notice.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the West Virginia Department of Environmental Protection.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

THREATENED & ENDANGERED SPECIES: The Huntington District has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST: Any person who has an interest which may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected by the activity and the manner in which the interest may be adversely affected by this activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200300703
502 Eighth Street
Huntington, West Virginia 25701-2070

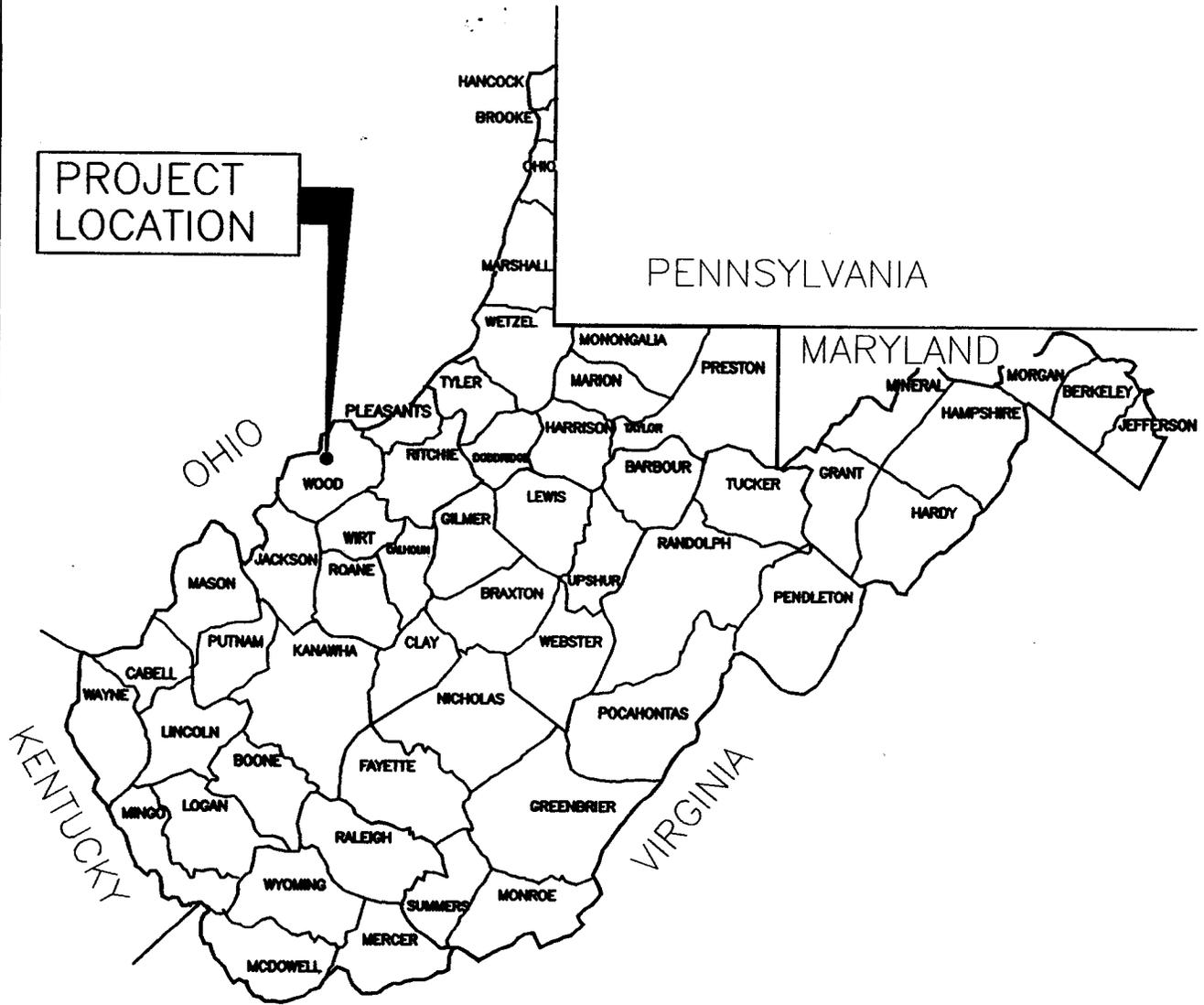
If you have any questions concerning this public notice, please call Ms. Sarah M. Workman of the South Regulatory Section at 304-399-5710.



Ginger Mullins, Chief
Regulatory Branch

(W)

**PROJECT
LOCATION**



**Bizzack Inc.
Corridor D
Wood County, WV**

**Corridor D – FH Sites
Section 404
Permit Application**

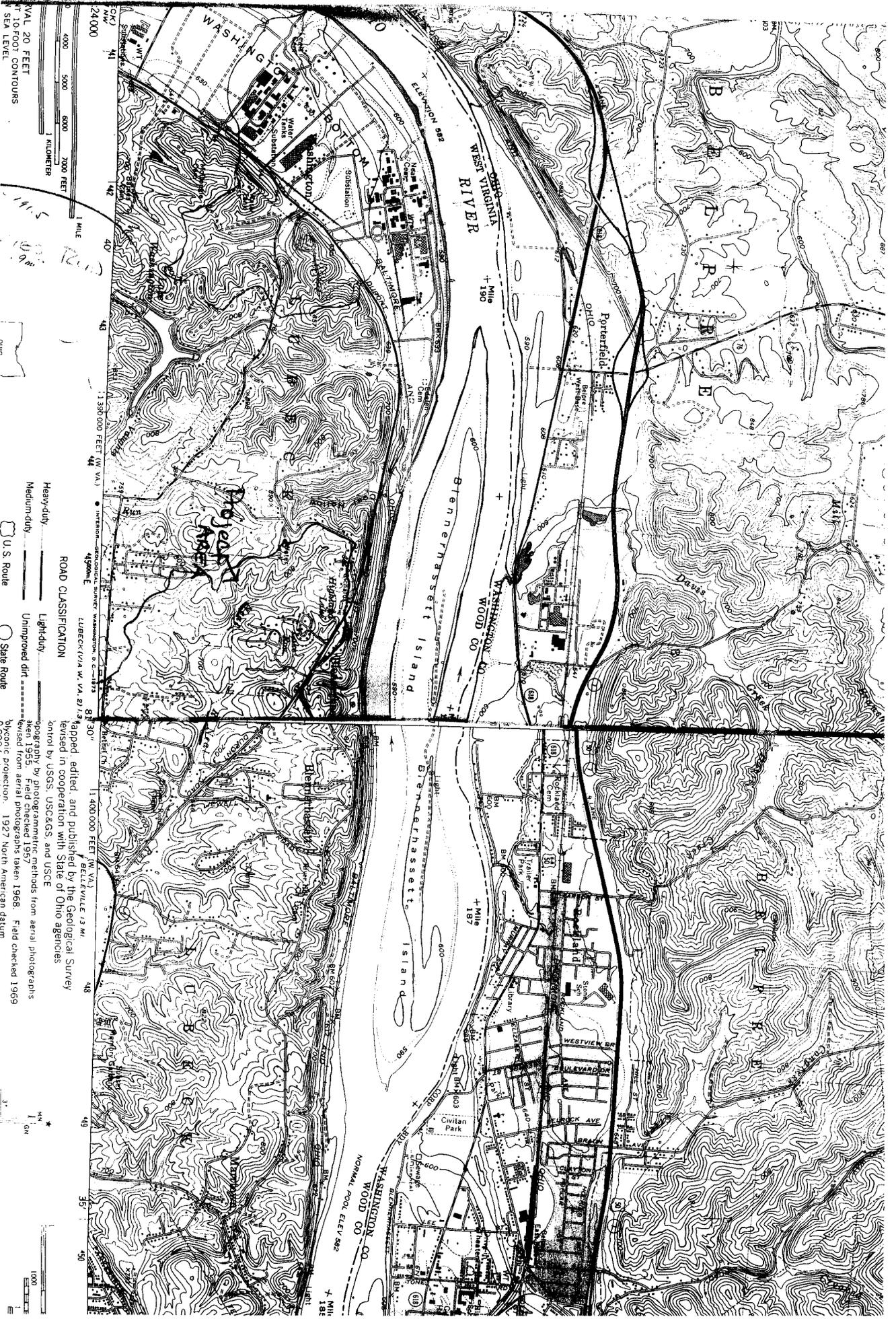
PROJECT LOCATION MAP

BURGESS & NIPLE

Scale: None

Date OCT. 2003

Sheet 1 of 2



VAL 20 FEET
 FT 10 FOOT CONTOURS
 SEA LEVEL

4000 5000 6000 7000 FEET
 1 KILOMETER
 1 MILE

1:50,000 FEET (U.S.A.)
 1:50,000 FEET (U.S.A.)

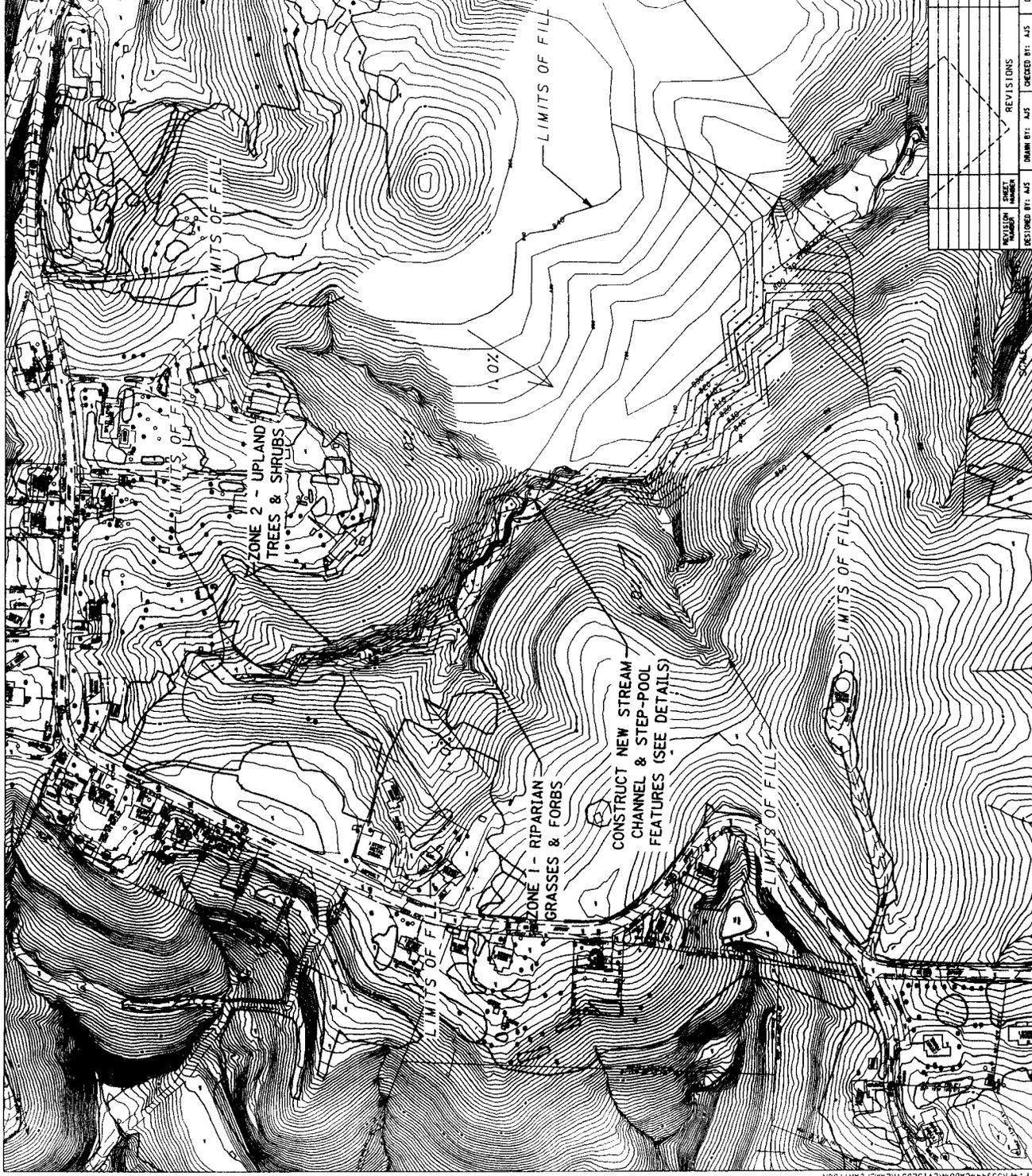
ROAD CLASSIFICATION
 Heavy-duty
 Medium-duty
 Light-duty
 Unimproved dirt
 U.S. Route
 State Route

Maped, edited, and published by the Geological Survey
 in cooperation with State of Ohio agencies
 Control by USGS, USC&GS, and USCE
 Topography by photogrammetric methods from aerial photographs
 taken 1955. Field checked 1957. Field checked 1969
 Revised from aerial photographs taken 1968. Field checked 1969
 Spheroidal projection. 1927 North American datum

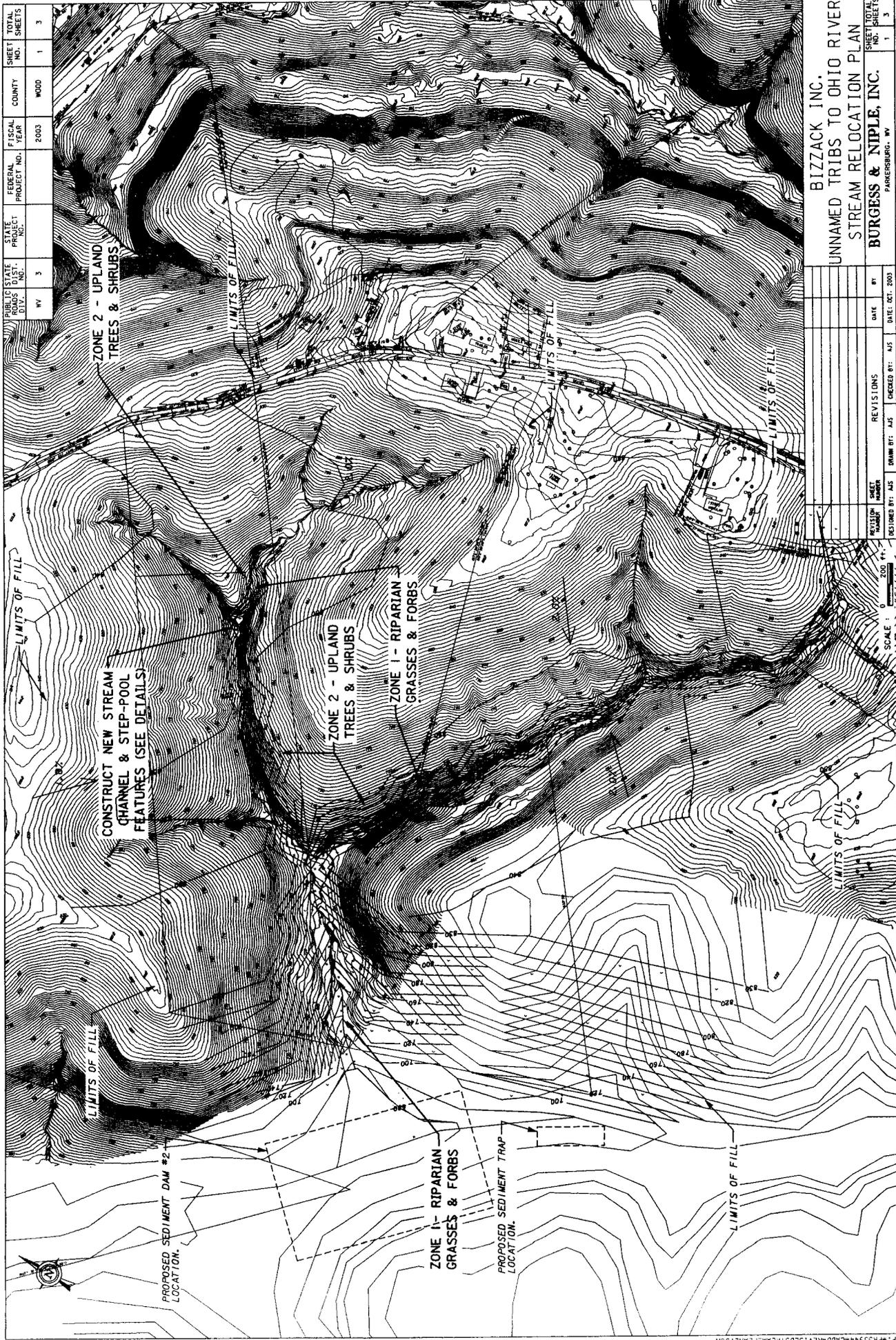
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PUBLIC STATE ROADS DIST. FILE NO.	STATE PROJECT NO.	FEDERAL PROJECT NO.	FISCAL YEAR	COUNTY	SHEET NO.	TOTAL SHEETS
WV 3			2003	WOOD	1	3



BIZZACK INC.		NEAL RUN		STREAM RELOCATION PLAN	
BURGESS & NIPLER, INC.		PARKERSBURG, WV		SHEET NO. 1	
DESIGNED BY: AJS	DRAWN BY: AJS	CHECKED BY: AJS	DATE: OCT. 2003	BY:	NO. OF SHEETS: 3
REVISED BY:	DATE:	BY:	NO. OF SHEETS:		

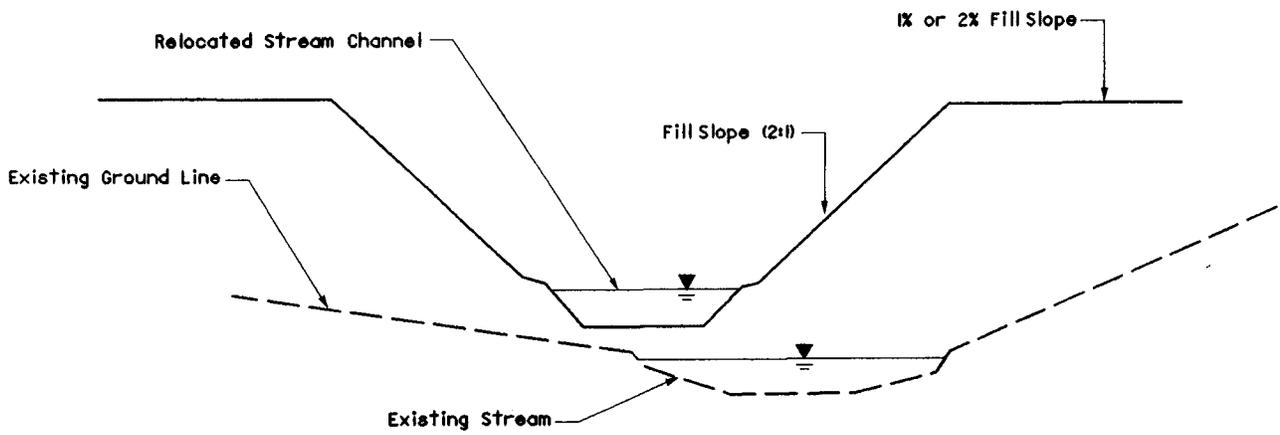


PUBLIC STATE ROADS DIST. DIV.	NO.	3
STATE PROJECT NO.		
FEDERAL PROJECT NO.		
FISCAL YEAR		2003
COUNTY		WOOD
SHEET NO.		1
TOTAL SHEETS		3

BIZZACK INC.
 UNNAMED TRIBS TO OHIO RIVER
 STREAM RELOCATION PLAN
 BURGESS & NIPLE, INC.
 PARKERSBURG, WV

NO.	DATE	BY

REVISION NUMBER	DATE	BY	REVISIONS	DATE	BY



STREAM RELOCATION

Sheet 3 of 3
Corridor D - Fill Sites Section 404 Permit Application
DETAIL I



